

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN SECTION**

**KATIE MILLIO, IRENE JOHNSON,
JANINE HELLER and TOMAYITA
STEVENSON,**

Plaintiffs,

vs.

**WHITMAN EDUCATION GROUP,
INC., CAREER EDUCATION
CORPORATION, ULTRASOUND
DIAGNOSTIC SCHOOL and LOUIS
GIANELLI,**

Defendants.

CASE NUMBER: 04-30130-MAP

**DEFENDANTS WHITMAN EDUCATION GROUP, INC., CAREER
EDUCATION CORPORATION, and ULTRASOUND
DIAGNOSTIC SCHOOL'S MOTION TO DISMISS
WITH PREJUDICE COUNT FIVE OF THE COMPLAINT**

Defendants Whitman Education Group, Inc., Career Education Corporation, and Ultrasound Diagnostic School, by and through their attorneys, hereby move the Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an order dismissing Count V of Plaintiffs' Complaint with prejudice for the reasons set forth in the accompanying Memorandum of Law.¹

¹ The five-count Complaint mistakenly labels both the fourth and the fifth causes of action as "Fourth Claim for Relief." For ease of reference, this Motion and the accompanying Memorandum refer to the second listed "fourth claim" as the fifth count. Additionally, it is unclear which Plaintiffs are asserting Count Five. The Complaint's fifth count confusingly states both "As to Plaintiffs Milillo and Johnson" and "As to All Defendants." While the individual allegations listed under the fifth count refer only to Plaintiffs Milillo and Johnson, this Motion is intended to cover all claims by Plaintiffs for alleged wrongful constructive discharge in violation of public policy.

Respectfully submitted,
Attorneys for Defendants
WHITMAN EDUCATION GROUP,
INC., CAREER EDUCATION
CORPORATION, and
ULTRASOUND DIAGNOSTIC
SCHOOL

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